IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No. 49067-M of 2006

DATE OF DECISION: SEPTEMBER 21, 2006

Dara Singh

...PETITIONER

VERSUS

State of Punjab ....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. L.M.Gulati, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Dara Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.173 dated 20.9.2004 registered under Sections 376/452/506/148/149 IPC and Sections 25/54/59 of the Arms Act, at Police Station B-Division, Amritsar.

I have heard the counsel for the parties.

In this case, as per the prosecution version, the petitioner has committed rape of his step mother (complainant). As per the allegations, all the accused came into the house of the complainant and Mohinder Pal, co-accused bolted the door from inside and other co-accused Jagdev Singh and Chetan Singh threw the complainant on the bed and it was alleged that the petitioner committed the rape. During the investigation, keeping in view the chemical report as well as the fact that the property disputes are going on between the parties, the petitioner was found innocent. The said investigation was being conducted by the SSP, Amritsar, who in his report himself found the petitioner innocent. Subsequently, challan was filed on

the directions of Inspector General of Police, Jalandhar Zone. The petitioner is in custody since 21.1.2006 and the trial is not likely to be concluded soon.

Keeping in view the aforesaid facts and the fact that at one stage the petitioner was found innocent by the SSP, Amritsar and that the trial is not likely to be concluded soon, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

September 21, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE